

Social contract theory is a political philosophy that questions the origins of society, and the legitimacy of governmental control over individual people. It is an argument that all men have an obligation to "do unto others as you would have them do unto you."

It is not about the nurse-patient relationship, but instead about nursing as an entity within society, and how that relationship is to be understood, developed, and lived out by the profession as a whole. It fundamentally roots the nursing-society relationship in social contract. Society recognizes a specific and specialized need—health—so it authorizes a group of workers to form an occupational group called nursing to address that need. Nursing, which has evolved from an occupational group into a profession, operates as a profession within the social contract. It is part of the task of this chapter to elucidate the ties that bind the three documents as foundational to nursing. To do so will require a brief consideration of the key findings of those philosophers who have most influenced our understanding of the social contract. Understanding the Unwritten Social Arrangement It Creates Any number of articles in medicine and nursing invoke the notion of social contract and presume an understanding of what that means. The writings then proceed with little or no substantive discussion of the origins, nature, or reciprocal obligations of a social contract. The concept of a social contract was developed in the fields of philosophy and political science, and as those discussions do not customarily make their way into nursing curricula, nursing students and nurses are left with little exposure to what a social contract is or how it functions. The general idea of a contract is that it is an enforceable agreement of mutual benefit made between two parties. Contracts may be written, as in suzerainty agreements of very ancient times between lords and vassals or vassal states, but more often today, social contracts are unwritten bilateral arrangements that contain conditions for both sides, and are subject to enforcement. These contracts are always two sided and have expectations for each party of the contract, so in that sense, a social contract is no different from a written one. More specifically, a social contract is an abstract construct that comes out of philosophy, ethics, and political theory. That is to say that a social contract is a metaphor or heuristic device that is used for analysis, reflection, and argument; there is no formal legal contract involved. Social contract has two formal components. The first component has profound though more theoretical or less tangible implications for nursing. Theories of social contract reach back to antiquity though its strongest development occurs in the Enlightenment of the mid-17th to mid-18th centuries. It threads its way through philosophy, religion, and politics. A very brief overview of the works of these theorists is given here, not to fully develop social contract theory, but to provide foundational information that can be used to situate nursing within the context of social contract theory. Social contract theory has also been subject to critique both by feminist theorists and critical race theorists. We turn now to the theories of social contract and their successive formulations. In this state, persons are universally, necessarily, and exclusively self-interested, which causes them at all points to seek their own best interests. The State of Nature is a picture of rampant and exclusive self-interest wherein individuals are driven not only to satisfy their own desires and needs, but to avoid that which does not further the realization of their own desires. But, Hobbes maintains that humans are also reasonable. Because humans can be rational and reasonable, there is a way out by creating, with mutual agreement, a commonwealth—that is, civil society. It functions as a common-wealth because it serves the needs of all. However, for the commonwealth to function, and to keep rampant self-interest and warfare at bay, two things are necessary: The term has no actual legal meaning. Here it means both that the state was created by agreement of the people not by the command of King George III, and that it serves the welfare and general good of all of its people. Sometimes commonwealth is written common-wealth, or even common wealth. It refers to the welfare, not the material wealth, of the people. He argues that the sovereign in his day, a monarch has the absolute authority to enforce the laws generated under the social contract, and must be obeyed, even if he rarely she rules badly. The alternative is to return to the intolerable State of Nature, which no reasonable person would want. In addition, individuals become subject to punishment if they do so. Under the social contract, lives are protected, mutual benefit is secured, social cooperation is assured, agreements are kept, and

laws are enforced. So, under the social contract, the brutal freedoms of the State of Nature are lost in exchange for socially secured goods such as a life that can be lived without fear, distrust, or warfare. It is not the State of Nature that is of greatest interest to nursing, but rather the second aspect of social contract, the concepts of government, civil society, rights, and mutuality, for it is from this portion of social contract theory that the rights and responsibilities of nursing arise. Power to the People Most social contract theorists employ some form of a State of Nature. However, John Locke develops the notion of a social contract with a substantively different view of humankind than that held by Hobbes. For Hobbes, morality and law come into being with the creation of civil society. Locke is different in that he maintains that humankind is not engaged in a moral free-for-all in the State of Nature, that there are some limits even in the State of Nature. Morality exists in the State of Nature as humankind discerns and operates under a Law of Nature. In his understanding of the State of Nature, all persons are equal and are in a state of perfect freedom, free from interference by others. The Law of Nature creates a moral limit to that perfect freedom: Individuals may not exercise their freedom to pursue their own desires and needs at the expense of that same freedom for others. As the Law of Nature guides human behavior in the State of Nature, in contrast to Hobbes, this state is not amoral. This no Body has any Right to but himself. The creation of private property—that is, real property land—and its acquisition removes it from that which is held in common. What-soever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with, and joyned to it something that is his own, and thereby makes it his Property. The creation of civil society and government is therefore required in order to create laws that protect the life, health, liberty, and possessions of all, thereby in theory preventing war over theft of land or possessions, or enslavement. For Hobbes, the sovereign is absolute ruler who must be obeyed even when he rules badly. Locke, however, sees the people as having a right, perhaps even an obligation, to overthrow the ruler or government when it becomes tyrannical or fails to serve the commonwealth. The people then have a right to put a new government in place. It deeply influenced Thomas Jefferson and the leaders of the American Colonies in their decision to break away from the tyrannical King George III and to create a constitution that protects life, liberty, the pursuit of happiness, and property. It should also be noted that Locke viewed the land as the possession of those who worked it, that is, those who combined labor plowing and planting with the raw resources of nature the soil. In his schema, one that is culturally bound to a European, agrarian understanding of society, Native Americans never owned the land as their property because they did not till and plant it. This too informed the early founders of the United States and was used as a justification for taking Native American lands without recompense or permission. One can see that social disparities, which would eventually create health disparities, are present even at the very beginnings of the creation of the United States from the British Colonies. The first discussion lays out his description of the social contract gone wrong. He then follows this critique with a corrective, a normative or prescriptive version of the social contract, found in his treatise *The Social Contract*. Rousseau, too, employs the device of a State of Nature in which people are free, equal, and rational. However, Rousseau envisions them as independent, solitary persons, with simple needs, capable of meeting their own needs without relational ties. For Rousseau, it is a picture of humankind evolving into ever larger groups. These are all seen as good things by Rousseau. As population increases, divisions of labor develop and people become less able to satisfy all of their own needs, becoming instead reliant upon others for the provision of specific needs. So the housewife needs the miller for flour, the farmer comes to the blacksmith for a plow, the blacksmith needs the miner for ore, the miner needs both the beck pick-axe maker and the sawyer lumber-maker ; they all might need a bullard to write a letter—and so on. People grow less and less self-reliant and more interdependent upon the labor of others. The development of a concept of private property my land, my plow, my pickaxe, etc. All these ills are the first effect of property and the inseparable offshoot of incipient inequality. Those who have property want government to protect their property, to advantage them, and to cement inequality. This question sits underneath discussions of the State of Nature in the different social contract theories. The novel contains many of the themes of State of Nature discussions in social contract theories, themes such as human nature, individual self-interest, and the common good. In *Lord of the Flies*, a group of preadolescent, well-educated, civilized British boys are marooned on an uninhabited, paradise-like island. The story starts out well enough as they set about

establishing a form of order and governance that will help them survive and be rescued. The situation devolves disastrously into savagery before they are actually rescued. The novel is a good read, though a hard read, and useful for reflecting on social contract. As a corrective, Rousseau envisions a different kind of social contract sometimes called a social compact. It is the general will that decides and directs the actions of the society. This collective body becomes sovereign, creating a collective or general will that seeks to work for the good and benefit of all those who compose the people. So, as one people, the individual will becomes a general will that both defines and seeks the common good. The people are sovereign and through a democratic process form a government that executes the general will of the people. That general will is always to be determined through a democratic process. And yet, not everyone participates in shaping the general will. Low voter turnout in elections indicates a failure of the one people to participate in shaping the general will. African American women still faced difficulties voting through the s particularly in the South, where state laws essentially prohibited most from voting. Only freemen could vote. Historically, a freeman was: The Preamble to the Constitution of the United States states: We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America. These concepts are then expanded in the Constitution itself. While social contract is a philosophical and political concept, it finds real life expression in the way in which the United States was envisioned and conducts its life today. More importantly, as will be seen shortly in the critiques of social contract, who does or does not participate in constituting the general will, and thus determining the common good, has profound implications for the structure of the healthcare system, healthcare delivery, and health disparities. Under the Veil of Ignorance, I do not know who I am; I have no knowledge of my sex, age, race, socioeconomic status, education, or even what I might need or desire. Without this knowledge I am rational and disinterested not influenced by my own self-interests and can discover what justice requires and what is fair. Rawls maintains that everyone and anyone behind the Veil of Ignorance would choose the same rational, disinterested, universal principles of justice, in agreement with all others arguing from the same original position. We would all choose fairly. In a sense, it is like dividing a pie. Rawls maintains that his theory is one of justice defined as fairness. Justice then helps us decide what is needed in order to live together as a society.

Chapter 2 : Social Contract Theory and the State of Nature - Fact / Myth

Social Contract Theory. Social contract theory, nearly as old as philosophy itself, is the view that persons' moral and/or political obligations are dependent upon a contract or agreement among them to form the society in which they live.

According to this theory all men are born free and equal. Society came into existence because of the agreement entered into by the individuals. Thomas Hobbes Thomas Hobbes was of opinion that society came into being as a means for the protection of men against the consequences of their own nature. Man in the state of nature was in perpetual conflict with his neighbors on account of his essentially selfish nature. Every man was an enemy to every other man. Hobbes in his book Leviathan has made it clear that man found nothing but grief in the company of his fellows. Since the conditions in the state of nature were intolerable and men longed for peace, the people entered into a kind of social contract to ensure for themselves security and certainty of life and property. By mutual agreement they decided to surrender their natural rights into the hands of a few or one with authority to command. The agreement was of each with all and of all with each other. The contract became binding on the whole community as perpetual social bond. Thus in order to protect himself against the evil consequences of his own nature man organized himself in society in order to live in peace with all. John Locke John Locke believed that man in the state of nature was enjoying an ideal liberty free from all sorts of rules and regulations. The state of nature was a state of peace, goodwill, mutual assistance and preservation. But there was no recognized system of law and justice. Hence his peaceful life was often upset by the corruption and viciousness of degenerate men. The men were forced to live in full of fears and continual dangers. In order to escape from this and to gain certainty and security men made a contract to enter into civil society or the state. This contract Locke called social contract. This contract put an end to the state of nature and substituted it by civil society. The contract was for limited and specific purposes and what was given up or surrendered to the whole community and not to a man or to an assembly of men. According to Locke the social contract later on contributed to the governmental control. The governmental contract was made by the society when it established a government and selected a ruler to remove the inconveniences of ill condition. Jean Jacques Rousseau Rousseau the French writer of the 18th century in his famous book The Social Contract wrote that man in the state of nature was a noble savage who led a life of primitive simplicity and idyllic happiness. He was independent, contented, self-sufficient, healthy, fearless and good. It was only primitive instinct and sympathy which united him with others. He knew neither right or wrong and was free from all notions of virtue and vice. Man enjoyed a pure, unsophisticated, innocent life of perfect freedom and equality in the state of nature. But these conditions did not last long. Population increased and reason was dawned. Simplicity and idyllic happiness disappeared. Families were established, institution of property emerged and human equality was ended. Man began to think in terms of mine and yours. When equality and happiness of the early state was lost, war, murder, conflicts became the order of the day. The escape from this was found in the formation of a civil society. Natural freedom gave place to civil freedom by a social contract. As a result of this contract a multitude of individuals became a collective unity- a civil society. Rousseau said that by virtue of this contract everyone while uniting himself to all remains as free as before. There was only one contract which was social as well as political. The individual surrendered himself completely and unconditionally to the will of the body of which he became a member. The body so created was a moral and collective body and Rousseau called it the general will. The unique feature of the general will was that it represented collective good as distinguished from the private interests of its members. The theory of social contract has been widely criticized as historically there is nothing to show that the society has ever been deliberately created as a result of voluntary agreement or contract. Nor can we suppose that man could ever think of entering into a contract with others when he lived under conditions of extreme simplicity, ignorance and even brutality. The theory seemed to be mere fiction as state of nature never existed. The most primitive people even lived in some form of society however rudimentary or unorganized. There are always two parties to the contract. There cannot be a one-sided contract as was conceived by Hobbes. The advocates of the theory hold that the early individuals entered into the contract for their individual safety and security of property. But

history tells us the other way. Early law was more communal than individual and the unit of society was not the individual but the family. Society has moved from status to contract and not from contract to status as the theorists of the social contract argued. According to Sir Henry Maine contract is not the beginning of society but the end of it.

Chapter 3 : Social Contract theory, Individual and Society, Introduction to Sociology, Sociology Guide

In both moral and political philosophy, the social contract is a theory or model that originated during the Age of Enlightenment and usually concerns the legitimacy of the authority of the state over the individual.

The concept of social contract theory is that in the beginning man lived in the state of nature. They had no government and there was no law to regulate them. There were hardships and oppression on the sections of the society. To overcome from these hardships they entered into two agreements which are: By the first pact of unionis, people sought protection of their lives and property. As, a result of it a society was formed where people undertook to respect each other and live in peace and harmony. By the second pact of subjectionis, people united together and pledged to obey an authority and surrendered the whole or part of their freedom and rights to an authority. The authority guaranteed everyone protection of life, property and to a certain extent liberty. Thus, they must agree to establish society by collectively and reciprocally renouncing the rights they had against one another in the State of Nature and they must imbue some one person or assembly of persons with the authority and power to enforce the initial contract. In other words, to ensure their escape from the State of Nature, they must both agree to live together under common laws, and create an enforcement mechanism for the social contract and the laws that constitute it. Thus, the authority or the government or the sovereign or the state came into being because of the two agreements. According to him, prior to Social Contract, man lived in the State of Nature. Man lived in chaotic condition of constant fear. In order to secure self- protection and self-preservation, and to avoid misery and pain, man entered Page 2 of 7 into a contract. As a result of this contract, the mightiest authority is to protect and preserve their lives and property. Subjects had no rights against the absolute authority or the sovereign and he is to be obeyed in all situations however bad or unworthy he might be. However, Hobbes placed moral obligations on the sovereign who shall be bound by natural law. He therefore, reiterated that civil law is the real law because it is commanded and enforced by the sovereign. All men pursue only what they perceive to be in their own individually considered best interests. They respond mechanistically by being drawn to that which they desire and repelled by that to which they are averse. In addition to being exclusively self-interested, Hobbes also argues that human beings are reasonable. They have in them the rational capacity to pursue their desires as efficiently and maximally as possible. From these premises of human nature, Hobbes goes on to construct a provocative and compelling argument for which they ought to be willing to submit themselves to political authority. He did this by imagining persons in a situation prior to the establishment of society, the State of Nature. It is in this way the natural law became a moral guide or directive to the sovereign for preservation of the natural rights of the subjects. For Hobbes all law is dependent upon the sanction of the sovereign. All real law is civil law, the law commanded and Page 3 of 7 enforced by the sovereign and are brought into the world for nothing else but to limit the natural liberty of particular men, in such a manner, as they might not hurt but to assist one another and join together against a common enemy. He advocated for an established order. Hence, Individualism, materialism, utilitarianism and absolutions are inter-woven in the theory of Hobbes. According to him, man lived in the State of Nature, but his concept of the State of Nature is different as contemplated by Hobbesian theory. It was reasonably good and enjoyable, but the property was not secure. In that state of nature, men had all the rights which nature could give them. It was free from the interference of others. In that state of nature, all were equal and independent. This does not mean, however, that it was a state of license. The State of Nature, although a state wherein there was no civil authority or government to punish people for transgressions against laws, was not a state without morality. The State of Nature was pre-political, but it was not pre- moral. Persons are assumed to be equal to one another in such a state, and therefore equally capable of discovering and being bound by the Law of Nature. According to Locke, private property is created when a person mixes his labour with the raw materials of nature. Given the implications of the Law of Nature, there are limits as to how much property one can own: 1. One cannot take more than his own fair share. 2. Absence of established law; 3. Absence of impartial Judge; and 4. Absence of natural power to execute natural laws. The individual retained with them the other rights, i. Each man therefore gives over the power to protect himself

and punish transgressors of the Law of Nature to the government that he has created through the compact. So long as the Government fulfils this purpose, the laws given by it are valid and binding but, when it ceases to fulfil it, then the laws would have no validity and the Government can be thrown out of power. Locke advocated a state for the general good of people. He pleaded for a constitutionally limited government. According to him, social contract is not a historical fact but a hypothetical construction of reason. Prior to the Social Contract, the life in the State of Nature was happy and there was equality among men. As time passed, however, humanity faced certain changes. As the overall population increased, the means by which people could satisfy their needs had to change. People slowly began to live together in small families, and then in small communities. Divisions of labour were introduced, both within and between families, and discoveries and inventions made life easier, giving rise to leisure time. Such leisure time inevitably led people to make comparisons between themselves and others, resulting in public values, leading to shame and envy, pride and contempt. Through Social Contract, a new form of social organisation- the state was formed to assure and guarantee rights, liberties freedom and equality. While the individual parts with his natural rights, in return he gets civil liberties such as freedom of speech, equality, assembly, etc. The majority was accepted on the belief that majority view is right than minority view. His sovereignty is infallible, indivisible, unrepresentable and illimitable. His natural law theory is confined to the freedom and liberty of the individual. For him, State, law, sovereignty, general will, etc. Hobbes asserts that without subjection to a common power of their rights and freedoms, men are necessarily at war. Locke and Rousseau, on the contrary, set forth the view that the state exists to preserve and protect the natural rights of its citizens. When governments fail in that task, citizens have the right and sometimes the duty to withdraw their support and even to rebel. Hobbes view was that whatever the state does is just. All of society is a direct creation of the state, and a reflection of the will of the ruler. According to Locke, the only important role of the state is to ensure that justice is seen to be done. While Rousseau view is that the State must in all circumstance ensure freedom and liberty of individuals. Hobbes theory of Social Contract supports absolute sovereign without giving any value to individuals, while Locke and Rousseau supports individual than the state or the government. To Hobbes, the sovereign and the government are identical but Rousseau makes a distinction between the two. He rules out a representative form of government. But, Locke does not make any such distinction. Rousseau propounded that state, law and the government are interchangeable, but this in present senerio is different. Even though government can be overthrown but not the state. A state exists even there is no government. Hobbes concept of absolutism is totally a vague concept in present scenario. Democracy is the need and examples may be taken from Burma and other nations. According to Hobbes, the sovereign should have absolute authority. This is against the rule of law because absolute power in one authority brings arbitrariness. Locke concept of State of nature is vague as any conflict with regard to property always leads to havoc in any society. Hence, there cannot be a society in peace if they have been conflict with regard to property. Locke concept of laissez-faire is not of welfare oriented. Now in present scenario, every state undertake steps to form a welfare state.

Chapter 4 : Social Contract Theory | Internet Encyclopedia of Philosophy

Through Social Contract, a new form of social organisation, the state, was formed to assure and guarantee rights, liberties freedom and equality. The essence of the Rousseau's theory of General Will is that State and Law were the.

Do We Need Government? The Social Contract – 8-Bit Philosophy. The Major Social Contract Theorists: Crash Course Philosophy Contractarianism is another name for social contract theory. Is there a social contract? See the origin of the state of nature argument. He seeks to show the King derives his power from the people and that the best form of government is a free republic. Man in a state of nature is timid and weak jumping at the sight of a shaking leaf. There is a natural equality in nature, but it is an equality of weakness and man is too timid to enter into a state of war with others. See the Spirit of Laws Book 1. Later he used a similar argument to justify early versions of taxes and subsidies including an early social security, estate tax, and Universal Income to benefit the citizens of the collective in Agrarian Justice. See Selected Works of Thomas Paine. Their theories of how left-right politics, abundance, scarcity, technology, alienation, and classism relate to the forms of government and the state of nature span a library of early and later works. When these theories are paired, it paints a clear picture. Economics drives the evolution of society from the state of nature to the modern state. See Marx explained for western capitalists. A Treatise on Economics describes how human action is at the root of all socioeconomic and political systems and how socialism is the bane of humankind. There are thinkers like Hugo Grotius who had early thoughts on the social contract and influenced Locke for example. He was probably poking fun at Locke and Hobbes; he mentions them both by name in the text. Understanding Concepts Related to Social Contract Theory If you want only to look at Hobbes, Locke, and Rousseau you can skip this section below the picture , with that said, the following section clarifies terms that the theorists used in their works and is helpful in that way. Other terms must be found in these texts, although many can be gleaned from the first Chapter of Book 3 of the Social Contract, Government in General: What is the State of Nature? What is the State of War? The term originally comes from Hobbes, as does the state of nature and the state of war. What is the Social Contract or Social Compact? It is the [typically unwritten] contract people enter into when they form any type of Commonwealth AKA State from a family to a nation. What is the Body Politic? All the members of a state or commonwealth. The body consists of a head s of state like a President, Prime Minister, or King , limbs or branches of government like executive, legislative, and judicial; state and federal; each with heads , and organs like agencies created by the branches. What is the Sovereign? In a state of nature all people are equally sovereign they have equal right over themselves. Government is the will-in-action of the people. When you enter into certain institutions in a state, you can be bound by additional laws. These are concepts that apply to those bound only by social contract in the civil state. Natural Law Natural law is the law of nature, civil law is the law that binds social beings. When we leave the state of nature, we enter into a social contract and form a civil society. The laws we follow in civil society are the civil laws, these are laws made by man for man. The idea behind the state of nature argument is that we should be able to understand which natural laws can be traded away upon entering a social contract like the right to take whatever one wants and which are inalienable like the right to self defense. See more on Civil law, Natural law, liberty, and equality. Governors are the officials of the sovereign people who carry out its will and help the body communicate with the head. In an absolute monarchy, only the King is sovereign. The body politic is a metaphor, above is my synthesis of the metaphor. Each philosopher is entitled to use it differently. The Forms of Government: In a government with a separation of powers, we can take this metaphor further and say: An illustration of the basic forms of government. All members of this body are bound by the same general law. In this state, the King is no more naturally sovereign than the peasant, but he is wisely delegated more power within the bounds of the social contract. His power is checked by other powers in the government, and by consent of the sovereign people. All three Social Contract theorists hold equal importance in the modern day. If you click the links to each book below, Hobbes is a difficult read, Locke a little easier, and Rousseau the simplest. Nothing on earth is its equal – a creature without fear. It looks down on all that are haughty; it is king over all that are proud. Nature is ruled by natural law, man has

natural rights. Locke agrees with Hobbes on the forms but calls an aristocracy an oligarchy. A Constitutional Representative Democracy is best; One must consent to be governed and a social contract must be entered into willingly. If someone thinks people are naturally good and work well in little communes. So, in simple terms, Hobbes is the conservative, Locke the classical liberal, and Rousseau the classical social liberal. This is why you are being asked to study them or have ended up here via your self-learning as these three systems form the basis of all modern governments. As noted above, a family is the simplest and most natural form of Commonwealth, Civil Society, Social Contract, etc. Many would argue that politics arises naturally in groups. Is the Social Contract a Myth? As noted above, the body politic is a naturally occurring entity. Thus it implies a social contract. Saying the contract is a myth is like saying the Calculus is a myth or economics is a myth. Thomas Hobbes and John Locke: He accepts the idea that we must trade liberty for security and order. They are different words for the same thing. This means slavery, state-imposed religion, and execution are all on the table. Hobbes is a realist, idealist, empiricist, absolutist, and monarchist. He casts aside the metaphysics of the Greeks and puts aside pure reason for what we can know from the passions like Hume, another empiricist, would later. His inflexible stance makes him an idealist and absolutists. But his willingness to deal with the natural grit of the world makes him a realist. He explains everything from the senses to the laws of motion as metaphor for the State of Nature and the state. He also gives an extensive history lesson. Filmer mirrors Hobbes but focuses on the Divine Right of Kings, and not solely absolute power like Hobbes advocated envisioned. Locke advocates for power only if it respects human rights. The State of Nature is one of absolute liberty. When this state is violated by an aggressor, a state of war is entered into. Our property includes ourselves and our family; no person has the right to own slaves. We enter into a Social Contract to uphold the natural law. Man has a right to overthrow a tyrannical government and consent to be governed. Locke can be considered the father of liberalism. His perspective gives him an advantage, but he is notably more optimistic and idealistic than his counterparts Hobbes and Locke. In the state of nature, man is a noble savage. Man is born free, and everywhere he is in chains. No man naturally has power over another man; no person has the right to own slaves. The will of the sovereign is the will of the body politic, their wills cannot diverge, they are of the same body. The only natural society is the family. The best societies mirror man in his most natural state. Thus they should promote liberty and the family. Small groups are best, large cities corrupt us and invite vices. Nothing invites more vice and war into our lives than the ownership of property. Notice how Hobbes and Locke base the need for government and the state of war largely around the ownership of property. Either way, we can describe all of this as a republic, as being of one will the people can only rule by Republic. The book is critical of religion and the ownership of property and any other device that corrupts men intentionally or not. Rousseau also wrote a very popular book on education Emile, or On Education , popularized breastfeeding and focused many of his works on Romanticism rather than political philosophy unlike Hobbes, and especially Locke. The state of nature is governed by passion, not reason.

Chapter 5 : An Easy Explanation of John Locke's Social Contract Theory

Social Contract Theory Social contract theory is nearly as old as the practice of philosophy itself. First thought upon by perhaps one of the greatest philosopher of all, Socrates, the social contract theory is the believe that a persons' moral, political, and social obligations are dependent upon an implied contract or agreement among each other in order to form an established society in.

Check new design of our homepage! OpinionFront Staff Last Updated: Jun 3, A theory in political philosophy. A Social Contract is not an official contract, but a fiction; that of mutual understanding. No man in this world is free. We are all governed by the societies we live in. The natural rights we were born with are protected by a government we choose to govern us. A big question that intrigued the theorists of the social contract theory was, that how can people give away their freedom to a sovereignty in trade for some benefits? The American Constitution and all Western political systems today are based on this theory. It means you abide with all the rules and regulations of that contract and agree to follow them, discontinuity of which would cause serious punishable consequences. A social contract is what we all sign as a part of the society we live in, in order to enjoy its social benefits. It is not an official contract, but a fiction; that of mutual understanding. It is based on a hypothetical situation that when years ago there were no societies, what it would have been like. What was it to be completely free, without anyone to judge or punish, and how societies came into existence. Philosophers have different views and theories on this concept. State of nature suggests that people have complete freedom to anything and everything, which was indeed the natural condition of the human race. According to Thomas Hobbes, an English philosopher of the 17th century, the rights people have in a state of nature, to their possessions, including property, and their will to do anything they wanted to, created a menace without a political hand to control the injustice one could do to the other in power of his rights. This created a state of war between every individual, if a person posed a threat to another in order to gain access to his belongings. This would cause invasion and insult of others rights, instigating them to take necessary actions to protect themselves against the harm a person having ill intentions can cause to them. To seek just protection and insure stability in their lives, people surrendered their freedom to a sovereignty. Law of nature Law of nature according to John Locke states that every individual is bound by a social responsibility towards the other. As he stated, law of nature is the groundwork of morality, and is given to us by God, which summons that we should not harm anything related to anyone be it life, possessions, liberty or health. This is a mutual understanding between every human being that to be a part of such immoral things is a disgrace to their existence, and it should be in the best of their interest to be away from such things. According to Locke, a state of nature is a condition, where humans are free to do anything that pleases them, with complete liberty, but also morality. Freedom is to be free within oneself, and to do anything regarding to self. Others should not be a part of your freedom, meaning, their life, property, or liberty is not a part of your freedom. This is what the law of nature states. State of nature is that in which humans are free but bound by the rules of morality. This creates a peaceful atmosphere, as opposed to what Hobbes enunciates in his theory that a state of war emerges in state of nature. The difference here is due to the application of law of nature. But since there is no rule other than that of morality, which has already been breached, the war will continue to go on, and bitter occurrences will arise giving birth to even worse ones. This is where the need for a political community comes in scene. A government made by the people, with rules and regulations formed with the consent of people, to be acted upon those who violate the law of nature, comes in force in such situations. This benefits the people in the state of nature in many ways, providing them security against those that can be potential threats and the protection of their rights. Since the government is now a mutual head of the society, people contribute funds for their own conveniences like roads, institutes, industries and other social amenities, to be used by all those living in that area. Governments are formed to be beneficial to its people. They are given the authority to judge right from wrong, and impose restrictions and punishments for offenses that are made to the people of the state of nature. If however, people feel that the government is being unjust, or partial, or imposing its own rules, the right to bring down the current government and elect for a new one, remains intact with the people in the state

of nature. The fact that Locke considered the state of nature to be a positive condition of living if bounded by the law of nature, made him extend his thoughts towards bringing down a built governance, going back to the being in the state of nature, to form a new and better one. This political theory of social contract is being followed almost in all the countries today, and its significance can be seen in a just and humane culture we live in.

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A social contract is what we all sign as a part of the society we live in, in order to enjoy its social benefits. It is not an official contract, but a fiction; that of mutual understanding. To understand John Locke's Social Contract Theory, we need to first understand these two concepts.

They say that to do injustice is, by nature, good; to suffer injustice, evil; but that the evil is greater than the good. And so when men have both done and suffered injustice and have had experience of both, not being able to avoid the one and obtain the other, they think that they had better agree among themselves to have neither; hence there arise laws and mutual covenants; and that which is ordained by law is termed by them lawful and just. This they affirm to be the origin and nature of justice;â€”it is a mean or compromise, between the best of all, which is to do injustice and not be punished, and the worst of all, which is to suffer injustice without the power of retaliation; and justice, being at a middle point between the two, is tolerated not as a good, but as the lesser evil, and honoured by reason of the inability of men to do injustice. For no man who is worthy to be called a man would ever submit to such an agreement if he were able to resist; he would be mad if he did. Such is the received account, Socrates, of the nature and origin of justice. Over time, the social contract theory became more widespread after Epicurus BC , the first philosopher who saw justice as a social contract, and not as existing in Nature due to divine intervention see below and also Epicurean ethics , decided to bring the theory to the forefront of his society. As time went on, philosophers of traditional political and social thought, such as Locke, Hobbes, and Rousseau put forward their opinions on social contract, which then caused the topic to become much more mainstream. The story goes as follows: In the early days of the cosmic cycle mankind lived on an immaterial plane, dancing on air in a sort of fairyland, where there was no need of food or clothing, and no private property, family, government or laws. Then gradually the process of cosmic decay began its work, and mankind became earthbound, and felt the need of food and shelter. As men lost their primeval glory, distinctions of class arose, and they entered into agreements with one another, accepting the institution of private property and the family. With this theft, murder, adultery, and other crime began, and so the people met together and decided to appoint one man from among them to maintain order in return for a share of the produce of their fields and herds. He was called "the Great Chosen One" Mahasammata , and he received the title of raja because he pleased the people. The Buddhist vinaya also reflects social contracts expected of the monks; one such instance is when the people of a certain town complained about monks felling saka trees, the Buddha tells his monks that they must stop and give way to social norms. Epicurus in the fourth century BCE seemed to have had a strong sense of social contract, with justice and law being rooted in mutual agreement and advantage, as evidenced by these lines, among others, from his Principal Doctrines see also Epicurean ethics: Natural justice is a pledge of reciprocal benefit, to prevent one man from harming or being harmed by another. Those animals which are incapable of making binding agreements with one another not to inflict nor suffer harm are without either justice or injustice; and likewise for those peoples who either could not or would not form binding agreements not to inflict nor suffer harm. There never was such a thing as absolute justice, but only agreements made in mutual dealings among men in whatever places at various times providing against the infliction or suffering of harm. All of these groups were led to articulate notions of popular sovereignty by means of a social covenant or contract, and all of these arguments began with proto-"state of nature" arguments, to the effect that the basis of politics is that everyone is by nature free of subjection to any government. These arguments, however, relied on a corporatist theory found in Roman law, according to which "a populus" can exist as a distinct legal entity. Thus, these arguments held that a group of people can join a government because it has the capacity to exercise a single will and make decisions with a single voice in the absence of sovereign authorityâ€”a notion rejected by Hobbes and later contract theorists. Philosophers[edit] Hugo Grotius [edit] In the early 17th century, Grotius â€” introduced the modern idea that individuals had natural rights that enabled self-preservation, employing this idea as a basis for moral consensus in the face of religious diversity and the rise of natural science. He seeks to find a parsimonious basis for a moral beginning for society, a kind of natural law that everyone could accept. He goes so far as to

say in his *On the Law of War and Peace* that even if we were to concede what we cannot concede without the utmost wickedness, namely that there is no God, these laws would still hold. The idea was considered incendiary since it suggested that power can ultimately go back to the individuals if the political society that they have set up forfeits the purpose for which it was originally established, which is to preserve themselves. In other words, individual persons are sovereign. Grotius says that the people are *sui juris* under their own jurisdiction. People have rights as human beings, but there is a delineation of those rights because of what is possible for everyone to accept morally; everyone has to accept that each person as an individual is entitled to try to preserve himself. Each person should, therefore, avoid doing harm to, or interfering with, another, and any breach of these rights should be punished. Leviathan

Hobbes book The first modern philosopher to articulate a detailed contract theory was Thomas Hobbes. According to Hobbes, the lives of individuals in the state of nature were "solitary, poor, nasty, brutish and short", a state in which self-interest and the absence of rights and contracts prevented the "social", or society. Life was "anarchic" without leadership or the concept of sovereignty. Individuals in the state of nature were apolitical and asocial. This state of nature is followed by the social contract. The social contract was an "occurrence" during which individuals came together and ceded some of their individual rights so that others would cede theirs. Human life was thus no longer "a war of all against all". The state system, which grew out of the social contract, was, however, also anarchic without leadership. Just as the individuals in the state of nature had been sovereigns and thus guided by self-interest and the absence of rights, so states now acted in their self-interest in competition with each other. Just like the state of nature, states were thus bound to be in conflict because there was no sovereign over and above the state more powerful capable of imposing some system such as social-contract laws on everyone by force. Carr and Hans Morgenthau. Hobbes wrote in *Leviathan* that humans "we" need the "terror of some Power" otherwise humans will not heed the law of reciprocity, "in summe doing to others, as wee would be done to".

Locke believed that individuals in a state of nature would be bound morally, by the Law of Nature, not to harm each other in their lives or possessions. Without government to defend them against those seeking to injure or enslave them, Locke further believed people would have no security in their rights and would live in fear. Individuals, to Locke, would only agree to form a state that would provide, in part, a "neutral judge", acting to protect the lives, liberty, and property of those who lived within it. Although Rousseau wrote that the British were perhaps at the time the freest people on earth, he did not approve of their representative government. Rousseau believed that liberty was possible only where there was direct rule by the people as a whole in lawmaking, where popular sovereignty was indivisible and inalienable. But he also maintained that the people often did not know their "real will", and that a proper society would not occur until a great leader "the Legislator" arose to change the values and customs of the people, likely through the strategic use of religion. Rousseau argues a citizen cannot pursue his true interest by being an egoist but must instead subordinate himself to the law created by the citizenry acting as a collective. Each of us puts his person and all his power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole. Thus, the law, inasmuch as it is created by the people acting as a body, is not a limitation of individual freedom, but rather its expression. Thus, enforcement of laws, including criminal law, is not a restriction on individual liberty: Because laws represent the restraints of civil freedom, they represent the leap made from humans in the state of nature into civil society. In this sense, the law is a civilizing force, and therefore Rousseau believed that the laws that govern a people helped to mold their character. Pierre-Joseph Proudhon advocated a conception of social contract that did not involve an individual surrendering sovereignty to others. According to him, the social contract was not between individuals and the state, but rather among individuals who refrain from coercing or governing each other, each one maintaining complete sovereignty upon him- or herself: What really is the Social Contract? An agreement of the citizen with the government? The social contract is an agreement of man with man; an agreement from which must result what we call society. In this, the notion of commutative justice, first brought forward by the primitive fact of exchange, Translating these words, contract, commutative justice, which are the language of the law, into the language of business, and you have commerce, that is to say, in its highest significance, the act by which man and man declare themselves essentially producers, and abdicate all

pretension to govern each other. This idea is also used as a game-theoretical formalization of the notion of fairness. Contractarian ethics David Gauthier "neo-Hobbesian" theory argues that cooperation between two independent and self-interested parties is indeed possible, especially when it comes to understanding morality and politics. He proposes that, if two parties were to stick to the original agreed-upon arrangement and morals outlined by the contract, they would both experience an optimal result. A Theory of Freedom and Government , that the theory of social contract, classically based on the consent of the governed , should be modified. The second part of this essay, entitled "Of the Original Contract", [17] stresses that the concept of a "social contract" is a convenient fiction: As no party, in the present age can well support itself without a philosophical or speculative system of principles annexed to its political or practical one; we accordingly find that each of the factions into which this nation is divided has reared up a fabric of the former kind, in order to protect and cover that scheme of actions which it pursues. The one party [defenders of the absolute and divine right of kings, or Tories], by tracing up government to the DEITY, endeavor to render it so sacred and inviolate that it must be little less than sacrilege, however tyrannical it may become, to touch or invade it in the smallest article. The other party [the Whigs, or believers in constitutional monarchy], by founding government altogether on the consent of the PEOPLE suppose that there is a kind of original contract by which the subjects have tacitly reserved the power of resisting their sovereign, whenever they find themselves aggrieved by that authority with which they have for certain purposes voluntarily entrusted him. My intention here is not to exclude the consent of the people from being one just foundation of government where it has place. It is surely the best and most sacred of any. I only contend that it has very seldom had place in any degree and never almost in its full extent. And that therefore some other foundation of government must also be admitted. A second condition of consent is that the rules be consistent with underlying principles of justice and the protection of natural and social rights, and have procedures for effective protection of those rights or liberties. This has also been discussed by O. Brownson, [19] who argued that, in a sense, three "constitutions" are involved: To consent, a necessary condition is that the rules be constitutional in that sense. Tacit consent[edit] The theory of an implicit social contract holds that by remaining in the territory controlled by some society, which usually has a government, people give consent to join that society and be governed by its government, if any. This consent is what gives legitimacy to such a government. Other writers have argued that consent to join the society is not necessarily consent to its government. For that, the government must be set up according to a constitution of government that is consistent with the superior unwritten constitutions of nature and society. Moreover, you should directly state what it is that you want and the person has to respond in a concise manner that either confirms or denies the proposition. Voluntarism[edit] According to the will theory of contract, a contract is not presumed valid unless all parties voluntarily agree to it, either tacitly or explicitly, without coercion. Lysander Spooner , a 19th-century lawyer and staunch supporter of a right of contract between individuals, argued in his essay No Treason that a supposed social contract cannot be used to justify governmental actions such as taxation because government will initiate force against anyone who does not wish to enter into such a contract. As a result, he maintains that such an agreement is not voluntary and therefore cannot be considered a legitimate contract at all. Modern Anglo-American law, like European civil law, is based on a will theory of contract, according to which all terms of a contract are binding on the parties because they chose those terms for themselves. This was less true when Hobbes wrote Leviathan; at that time more importance was attached to consideration, meaning a mutual exchange of benefits necessary to the formation of a valid contract, and most contracts had implicit terms that arose from the nature of the contractual relationship rather than from the choices made by the parties.

This is the starting point for discussing social contract theory. Thinkers who believe in this theory argue that people benefit from living together in countries, kingdoms, or under other types of.

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Chapter 8 : Social contract theory - Definition, Meaning, Examples, and Summary

The idea of contemporary adaptation of the social contract theory as urged in this work is an attempt to complement certain basic principles of the modern "contractarian" versions of the theory, notably Locke's, with more contemporary "contractualist" versions.

Judicial Activism Social Contract Theory Social contract theory is a political philosophy that questions the origins of society, and the legitimacy of governmental control over individual people. To explore this concept, consider the following social contract theory definition. Definition of Social Contract Theory Noun A class of theories on how people form societies, and maintain social order. Modern views on social contract theory equate it to our moral and political lives. Social Contract Theory and Government Political philosophers throughout history have had differing views on how governments rule over people. Sixteenth century philosopher, John Locke, believed that, when men transfer their rights to a government, a social contract is entered into. In subjecting themselves to a sovereign ruler, or other form of government, the people gain security. Locke expressed a belief that people had certain basic rights that must be supplied by the government, as a result of its contract with the people. These include the right to life, liberty, and property. He also put forth the concepts of a separation of powers , and majority rule. Holding to his belief that all humans have the same feelings and experiences " than none are inherently better or worth more than others " Locke put his ideas of human equality into the organization of politics, saying that governments gain their power or authority from the people. While both Hobbes and Locke believed that a social contract is entered into when people give over some of their rights to a government, they disagreed in how that would work. Hobbes supported the rule of kings, which held absolute power over the people, as they would be able to keep men from reverting to their natural states. Locke, on the other hand, favored government by representation. Consent of the Governed The most fundamental concept of a democratic government is that the government exists only to secure the rights of the people. Men join a society, submitting to its government, by explicit consent in order to gain three things not given them by natural law: Laws Executive power to enforce the laws Judges to arbitrate and settle conflicts in law While under the laws of nature, it is theorized that man had an absolute right to protect himself, and to punish those who disobeyed those laws. Once a social contract has been entered into, by organizing under a government body, each person largely transfers his power to protect himself, and to personally punish those who do wrong, to that government. Adam denies having done it. Once a social contract has been entered into by forming a cohesive society, governed by law, the men must put their faith in the legal system. In the United States, the people have elected representatives to run the government, which consists of three separate branches, each keeping the others in check. Each member of society has given up his right to take matters into his own hands, expecting that everyone else will do the same. One of the benefits, in this example of the social contract theory, is that no one is free to get revenge on people they think have wronged them. Another example of social contract theory might occur if two men wake up in the woods. Nether knows where he is, or how he got there. While they have no supplies, both men have guns, and a healthy distrust of the other. Not only are the men distracted, it is difficult to gather food carrying a gun around. However, if both men agree to lay down their guns at the same time, they can go about their tasks without fear. To add another dimension to the contract the men have just entered into, they might agree to search for what they need together, sharing equally. Related Legal Terms and Issues Explicit Consent " Consent given voluntarily, with full knowledge of the options, and their consequences.

*Introduction to the social contract theory*¹ by Kevin J. Browne Social contract theory raises the possibility that the need for social order and certain inherent.

Utilitarianism is the prominent type of Consequentialist ethical theory, which more generally define the right action in terms of the consequences the action produces. However the next two theories we will discuss are very different and require the agent to proceed in their ethical reasoning very differently than an agent would if he or she were reasoning in a consequentialist. Consequentialist theories, in their basic form, define something as good and then require the agent to maximize that good thing. Social contract theories require the agent to consider his role as one member of a society in which all members agree certain rules, the social contract, and then to act according to the previously agreed upon rules, regardless of the consequences. Social contract theories determine the rightness and wrongness of actions based on certain rules rather than on the consequences of any particular action. The two different types of social contract theory are known as contractarianism and contractualism. Although both think about right and wrong in terms of the social contract the two theories are actually very different, as we shall see. Reason never tells us we ought to act in such a way as to forgo our self-interest for some other end. Although it may tell us we need to curtail our pursuit of self-interest in order to achieve a long term goal. For Kant, and contractualists, reason possesses a normative power which goes beyond merely telling us how to achieve our pre-set ends, it actually commands us to set certain ends, even if we have no interest in those ends. Kant, thinks it is perfectly intelligible to say that although I want something and I have no self-interested reason not to pursue it, reason nevertheless commands me not to pursue it. Kant thinks reason has is not merely instrumental and that in addition to being instrumental it is also normative. In simple terms reason might tell us we have self-interested reasons for doing or not doing a particular action but it also informs us of the moral reasons we have for doing or not doing a particular action. For as the nature of foul weather lieth not in a shower or two of rain, but in an inclination thereto of many days together: Where there is no common power, there is no law; where no law, no injustice. Force and fraud are the two cardinal virtues. And reason suggesteth convenient articles of peace upon which men my be drawn to agreement. And consequently it is a precept, or general rule of reason: You will not be able to be received by any society. You might happen to fool some group of people but it is not wise rational and prudential to assume that you will be able to do so. A rational person always prefers a state of peace than a state of war. If you break contracts act like a fool then you are removing yourself from a state of peace and putting yourself in a state of war. No breaking of a contract is ever guaranteed to go undetected. So, breaking a contract is never rational prudential. Premise 4 is the crucial missing premise that seems somewhat implausible. Although 1 also seems somewhat suspect as well. The Social Contract Opening question and statement: In this inquiry I shall try always to combine what right permits with what interest prescribes, so that justice and utility may not be disjoined. Does humankind belong to the rulers one-hundred men or do the rulers belong to humankind? Any man born in slavery is born for slavery, nothing could be more certain. Slaves lose everuthing in their chains, even the desire to be rid of them, they love their servitude, as the companions of Ulysses loved their brutishness. Hence if there are slaves by nature, it is because there were slaves contrary to nature. Force made the first slaves, their cowardice perpetuated them. Does this mean it is forbidden to call the doctor? What would make someone alienate themselves. Either between one man and another, or between a man and a people, the following speech will always be equally absurd. For this act, being necessarily prior to the other, is the true foundation of society. This difficulty can be stated in the following terms. Only then, when the voice of duty succeeds physical impulsion and right succeeds appetite, does man, who until then had looked only to himself, see himself forced to act on other principles, and to consult his reason before listening to his inclinations. What man loses by the social contract is his natural freedom and unlimited right to everything that tempts him and he can reach; what he gains is civil freedom and property in everything he possesses. In fact the laws are always useful to hose who possess something and harmful to those who have nothing: Whence it follows that the social state is advantageous for men only

insofar as all have something and none has too much of anything. From this it is apparent that the Sovereign power, absolute, sacred, and inviolable though it is, does not and cannot exceed the limits of the general conventions, and that every man may fully dispose of such of his goods and freedom as are left him by these conventions: He seems to think of it in a similar way to a rule utilitarian.